

# YOUTH SERVICES POLICY

<b>Title:</b> Placement of Youth in Residential Facilities	<b>Type:</b> D. Community Based Services
<b>Next Annual Review Date:</b> 01/07/2013	<b>Sub Type:</b> 9. Placement, Transfer, Termination and Removal Process
	<b>Number:</b> D.9.1
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<b>References:</b> United States Constitution, Fifth Amendment, Adoption and Safe Families Act of October 2000; Fostering Connections to Success & Increasing Adoptions Act of 2008; Social Security Act, Title IV, Part E, Section 471(a)(31); La. R.S. 36:408 (H) 2(b) and (c), 15:901 (G); LA. Children's Code Arts. 780, 897 D, 899 D and 905 and ACA Standards 2-7106, 2-7112, 2-7115, 2-7116, 2-7117, 2-7118, 2-7119, 2-7120, 2-7121, and 2-7123 (Juvenile Probation and Aftercare Services)	
<b>STATUS:</b> Approved	
<b>Approved By:</b> Mary L. Livers, Deputy Secretary	<b>Date of Approval:</b> 01/07/2012

## I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To establish the Deputy Secretary's policy regarding placement, transfer, removal from the home of youth placed in the custody of YS, OJJ for non-secure placement and, if necessary, the termination of parental rights.

## III. APPLICABILITY:

Deputy Assistant Secretary - Community Based Services (CBS), Probation and Parole Regional Managers/Juvenile, and employees of CBS.

## IV. DEFINITIONS:

**Agency** - Youth Services, Office of Juvenile Justice.

**Community-Based Services (CBS)** - formerly known as the Division of Youth Services, including the regional probation and parole offices located throughout the state.

**Deputy Assistant Secretary - Community-Based Services** - unit head of regional office staff.

**Due Process Hearing** – an administrative hearing consisting of at least the youth, the assigned Probation and Parole Officer/Juvenile (PPO/J) and an objective decision maker held prior to reassignment of a youth from a non-secure program to a secure program.

***Individual Service Plan (ISP)*** – an individualized plan developed by the assigned PPO/J to achieve the desired results for change. The plan is accomplished through the collaborative effort of the PPO/J, youth and parent/guardian. The plan shall contain specific, measurable goals to address the risks, needs and protective factors. The SAVRY, Probation Order, psychological evaluation and other pertinent information shall be used to develop the plan. The ISP is modified throughout supervision as need areas are identified.

***Multidisciplinary Team (MDT)*** – A group of individuals, including the youth, parent/guardian, facility representative, assigned PPO/J, administrative review panelist, as well as other involved parties, who provide comprehensive consultation and assessment to identify the goals of the individual treatment/intervention plan.

***Objective Decision Maker*** – An unbiased party who decides the outcome of a due process hearing (Regional Manager or designee)

***Office of Community Services (DCFS/OCS)*** - A division of the Department of Children and Family Services.

***Placement Staffing*** – A meeting held following receipt of the psychological evaluation and prior to a youth's placement, in which the most appropriate program referrals are identified. The youth, parent, officer and supervisor are required participants.

***Structured Assessment of Violence Risk in Youth (SAVRY)*** - the SAVRY is an evidence-based assessment designed to assist professionals in making judgments about a youth's needs for case planning. This assessment comprises 24 risk/need items identified in existing research on adolescent development and on delinquency and aggression in youth. Six protective factors are included in the SAVRY which have been identified by current research as potentially mitigating the risk of future violence and delinquent activity. The SAVRY utilizes a structured, professional judgment method of assessment, meaning that the individual completing the assessment rates the youth on a number of evidence-based risk factors and then weighs all the information to come to a final determination that the youth is Low, Moderate or High risk for future violence and/or general reoffending.

**V. POLICY:**

It is the Deputy Secretary's policy that, to the extent that public and private community-based resources are available, Community Based Services (CBS) shall provide each youth under its supervision the services necessary to prevent removal from the home. When removal from the home is necessary, CBS shall provide the least restrictive setting to meet the youth's needs and facilitate reintegration back into the community.

**VI. PROCEDURES:**

- A. When making a recommendation to the Court regarding the disposition of a youth, the officer shall recommend the least restrictive disposition which meets the youth's needs while protecting the public. The youth should be given the opportunity to remain in his home and participate in non-residential community-based programs whenever possible.
- B. When a youth is placed in custody with a recommendation for non-secure residential placement, the following steps shall be taken:
  - 1. The PPO/J shall secure immediate placement in either a detention or residential facility. If an immediate residential placement is made, any available social evaluative and medical information shall be provided to the facility by the placing region at admission or by close of the next business day. If a psychological is not available at the time of placement in a residential setting, the PPO/J shall schedule the evaluation within three (3) business days of the placement. The Emergency Admission Note (Attachment D.9.1 (a)) shall be completed by the PPO/J and a copy provided to the facility within three (3) business days of placement.
  - 2. If a psychological evaluation was not conducted prior to the youth entering custody, the assigned PPO/J shall schedule the psychological evaluation within five (5) business days of custody. (If a psychological evaluation was completed within twelve (12) months of the date of custody, a new evaluation is not required). The complete psychological evaluation shall be provided to the facility within 30 days of admission/placement. The youth and parent/guardian shall be given the opportunity to participate in the decision-making process. Upon receipt of the psychological evaluation, the PPO/J shall hold a placement staffing to determine which facility is most appropriate to meet his needs.

If the initial placement is deemed inappropriate, the PPO/J shall seek an appropriate placement. Prior notification of the staffing to the parent/guardian shall be documented in JETS.

3. Reasonable efforts shall be made to place siblings removed from their home in the same non-secure placement unless such a joint placement would be contrary to the safety or well-being of any of the siblings. Siblings not placed together in the same foster care placement will be given the opportunity for frequent visitation or other interaction between the siblings unless such visitation would be contrary to the safety or well-being of any of the siblings. When a youth is placed in YS custody, inquiries should be made to determine if there are siblings and if the siblings were removed from their home and placed in DCFS custody. If there are siblings placed in DCFS care, arrangements will be made to schedule visitation unless doing so would be detrimental to the siblings.
4. The PPO/J shall provide the parent/guardian with a written description of the program(s) to which the youth is being referred. The youth and parent/guardian will be encouraged to visit the program prior to the youth's placement. Once the youth is placed, the parent/guardian will be advised, in writing, of the program's visitation policies and the PPO/J shall encourage the parent/guardian to maintain contact with the youth and program. YS will provide financial assistance for the youth's emergency needs that are not covered by program's contract with the agency. The youth and/or his parent have the right to object to placement in a particular program.

YS will provide financial assistance for the youth's emergency needs that are not covered by program's contract with the agency (Refer to YS Policy D.9.9).

- C. Following the youth's placement in a non-secure program, the officer shall develop a plan to ensure the educational stability of the youth. Whenever possible, the youth should be allowed to attend in the school he attended prior to his removal from the home. When it is not possible for the youth to attend his home school, the PPO/J shall document why it is in the youth's best interest to attend a different school. For example, the youth's special needs cannot be met at his home school or the youth was placed outside of his home school district.

- D. The PPO/J shall adhere to the following timeliness and criteria when placing youth in non-secure residential programs:
1. When a new custody case is received and a SAVRY has not previously been completed, the Initial Supervision Level Change Form shall be completed assigning the supervision level as NEW. The next review date will be fourteen (14) days from the date of the disposition (or notification).
  2. A SAVRY shall be completed on ALL youth placed in OJJ custody for more than thirty (30) days. If the assessment was not completed prior to the disposition, a SAVRY shall be completed.
  3. Within fourteen (14) days of youth's placement in a non-secure facility, a Supervision Level Change Form shall be completed in JETS changing the supervision level to PL1 or PL2. If a SAVRY was completed within thirty (30) days prior to the placement, the review date will be changed to coincide with the Administrative Review date without completing a SAVRY. If the most recent assessment was completed over thirty (30) days prior to the placement, a SAVRY reassessment shall be completed. The next review date will coincide with the next Administrative Review date.
  4. The Individual Service Plan (ISP) shall be developed within fourteen (14) days of the youth's initial placement in a non-secure residential program (residential, foster care, transitional living program or state psychiatric program) and include input from the multidisciplinary team. If an emergency placement was made without a psychological evaluation, the PPO/J has 45 days from the initial placement to complete the ISP. All members of the MDT must sign and date the plan to document participation. (The plan is not considered complete until all signatures are obtained.) The plan shall describe the interventions which will be used to address the youth's individual/specific needs. A copy of the full plan shall be given/mailed to the youth, parent/guardian, facility and court within thirty (30) days of the initial date of placement.
  5. The Reintegration/Transition Plan shall be developed within fourteen (14) days of the initial date of placement and include input from the MDT. It shall be updated on a quarterly basis and identify the aftercare services needed by the youth for successful reintegration in the community.

6. An Administrative Case Review shall be held within six (6) months of a youth's initial date of placement in a non-secure residential facility. The parent/guardian, facility and youth's attorney shall be notified of the review, in writing, via certified mail at least 15 days prior to the Administrative Case Review. A SAVRY reassessment shall be completed by the placing officer in conjunction with the Administrative Case Review. The next review date will coincide with the Administrative Review date.
7. The reassessment results (SAVRY Summary Results) shall be reported on the Administrative Case Review Report. A copy of the Individual Service Plan and the Administrative Case Review Report shall be provided to the parent/guardian, facility, court and child's attorney within fifteen (15) days after the review, by either certified mail or personal service. If certified mail is used, the return receipt shall be retained in the case file; if personal service is used, the signed Verification of Personal Service form shall be retained in the case file.
8. If the youth remains in placement following the six (6) month Administrative Review, a second review shall be held within five (5) months of the date of the initial placement. Refer to #6 above for notification and reporting requirements. Subsequent Administrative Case Reviews shall be held every six (6) months until the youth's release from custody. A SAVRY reassessment shall be completed by the placing officer each time an Administrative Case Review is conducted. The next review date will coincide with the Administrative Review date.
9. A formal judicial review, the Permanency Planning Hearing, is to be held within the initial twelve (12) months of the initial date of placement and every twelve (12) months thereafter while the youth remains in a non-secure placement. Written and/or personal notification of the hearing, The Individual Service Plan and a copy of the Administrative Case Review Report shall be provided to the parent/guardian, facility and the child's attorney at least fifteen (15) days prior to the hearing by either certified mail or personal service. If certified mail is used, the return receipt shall be retained in the case file; if personal service is used, the signed Verification of Personal Service form shall be retained in the case file.

10. The Administrative Review Report and ISP shall be filed with the court at least ten (10) days prior to the Permanency Planning Hearing.
  11. If there is no permanent plan in place, the PPO/J shall request a staffing with DCFS/OCS as soon as possible.
  12. In the 15<sup>th</sup> month of non-secure placement, if there is no permanent plan in place, the court will hold a Termination of Parental Rights Hearing. Terminations of Parental Rights Hearings are handled by DCFS/OCS. If a permanent plan is in place, the PPO/J shall submit a Status Letter to notify the Court that the hearing will not be necessary.
- E. When a youth has successfully completed a non-secure program or it is determined that a youth's remaining needs can be addressed in the community, a motion to release the youth from custody shall be filed. When a youth returns to the community and remains under OJJ supervision, a Supervision Level Change Form shall be completed assigning a supervision level identified by the most recent SAVRY. If the SAVRY is due within ninety (90) days, the next review will remain the same. If the last SAVRY was completed less than ninety (90) days prior to returning to the community the next review date will be changed to ninety (90) days from the last assessment at which time a SAVRY Quarterly Review shall be completed in JETS.
- F. When it is determined that a program is not meeting the youth's needs, the Agency has the statutory authority and responsibility to remove the youth from the program. If the youth is reassigned to a more appropriate non-secure program, the parents and Court shall be given written notification.
- G. Prior to transferring a youth from a non-secure program to a secure program without the benefit of court hearing, the Agency shall hold a due process hearing.
1. Prior to the due process hearing the youth shall be informed of his right to counsel (attorney, parent/guardian, other).

2. During the hearing, the youth shall be advised of the reasons for the planned reassignment and given the opportunity to defend and explain his actions. The Objective Decision Maker shall hear the matter and make a final determination regarding the youth's transfer. Once a decision has been made, the youth has the right to appeal the decision to the Director of the secure facility in which he is placed.
- H. Regional Managers are authorized to develop additional procedures necessary to implement this policy.

**Previous Regulation/Policy Number:** DYS 9.1

**Previous Effective Date:** 06/01/2011

**Attachments/References:**